

1 Susan E. Coleman (SBN 171832)
2 E-mail: scoleman@bwslaw.com
3 Kristina Doan Strottman (SBN 268188)
4 E-mail: kstrottman@bwslaw.com
5 BURKE, WILLIAMS & SORENSEN, LLP
6 444 South Flower Street, Suite 2400
7 Los Angeles, CA 90071-2953
8 Tel: 213.236.0600 Fax: 213.236.2700

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10 Attorneys for Defendants
11 THE GEO GROUP, INC. and R. DURAN

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14 UNITED STATES DISTRICT COURT
15 CENTRAL DISTRICT OF CALIFORNIA

16 OMAR ARNOLDO RIVERA
17 MARTINEZ; ISAAC ANTONIO
18 LOPEZ CASTILLO; JOSUE
19 VLADIMIR CORTEZ DIAZ; JOSUE
20 MATEO LEMUS CAMPOS;
21 MARVIN JOSUE GRANDE
22 RODRIGUEZ; ALEXANDER
23 ANTONIO BURGOS MEJIA; LUIS
24 PENA GARCIA; JULIO CESAR
25 BARAHONA CORNEJO, as
26 individuals,

27 Plaintiffs,

28 v.

1 THE GEO GROUP, Inc., a Florida
2 corporation; the CITY OF
3 ADELANTO, a municipal entity; GEO
4 Lieutenant Duran, sued in her
5 individual capacity; and DOES 1-6,
6 individuals,

7 Defendants.

8 Case No. 5:18-cv-01125-R-GJS

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10 **DEFENDANTS' OPPOSITION TO
11 PLAINTIFFS' NOTICE OF
12 RELATED CASE [Doc. #10]**

13 Judge: Honorable Manuel L. Real

14 On June 15, 2018, Plaintiffs filed a Notice of Related Case [Dkt. 10],
15 indicating this case should be related to *Raul Novoa v. The Geo Group, Inc.*, Case
16 No. 5:17-cv-02514-JGB-SHK. However, the *Novoa* case does not meet the criteria
17 of a related case and Plaintiffs' notice is a thinly veiled attempt to forum shop.
18 Accordingly, it should be denied.

ARGUMENT

Cases are deemed related under Local Rule 83-1.3.1 if they: (a) arise from the same or a closely related transaction, happening, or event; (b) call for determination of the same or substantially related or similar questions of law and fact; or (c) for other reasons would entail substantial duplication of labor if heard by different judges. The *Novoa* case does not meet the criteria of being related to the instant case for the reasons set forth below.

First, the *Novoa* case is a putative class action concerning allegations of detainees being paid \$1 per day for labor instead of minimum wage. It cites allegations of inadequate medical care at Adelanto only to support its claim that “[b]y maintaining these harsh conditions and purposely withholding basic necessities from detainees, GEO ensures an available labor pool of detainees will work for only \$1 per day,” (*Novoa* Compl. [Dkt. 1] ¶ 37.) There are no causes of action in *Novoa* related to medical care and/or failure to provide medical care. (See generally, *Novoa* Compl. [Dkt. 1].) The named Plaintiff Raul Novoa resided at the Adelanto Facility from 2012 through 2015.

In contrast, Plaintiffs' case concerns a protest on June 12, 2017, allegations of excessive force used by GEO staff to break up the protest, and an alleged failure to treat injuries incurred by the eight plaintiffs during that single incident. (*See, e.g., Martinez Compl. [Dkt. 1] ¶ 12.*) There are no allegations about the plaintiffs-detainees working for sub-standard wages. The cases do not arise from the same or closely related transaction, happening or event.

Second, the cases do not call for determination of the same or substantially related or similar questions of law and fact. In fact, none of the legal claims are the same or similar. *Novoa* raises claims under the Labor code related to minimum wage, unjust enrichment, Unfair Competition Law (UCL), the California Trafficking Victims Protection Act, and Attempted Forced Labor. In contrast, Martinez raises claims for battery, assault, negligent hiring/training/supervision,

1 IIED, retaliation, excessive force, due process, Bane Act, conspiracy, and failure to
 2 provide medical care. Further, none of the factual claims appear even similar,
 3 given that *Novoa* relates to alleged substandard wages for classes of detainees and
 4 *Martinez* relates to a single force incident in June 2017 involving eight detainees.

5 Third, having these cases heard by different judges would not entail
 6 substantial duplication of labor. They are very different cases. The only real
 7 overlap is that both cases involve the Adelanto Detention Facility, operated by The
 8 Geo Group, Inc. The fact that a case involves the same facility or prison is
 9 insufficient to deem it “related” for purposes of having it heard by the same judge.
 10 If this were the case, some judges would handle only jail, prison and detention
 11 facility matters, by virtue of having first been assigned a case involving that facility.

12 Plaintiffs evidently seek a transfer to Judge Bernal. However, they fail to
 13 meet the Local Rule criteria to demonstrate that *Novoa* is related. Accordingly,
 14 their notice should be disregarded and the present matter retained in this Court.

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 16 Dated: June 19, 2018

BURKE, WILLIAMS & SORENSEN, LLP

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By: /s/ Susan E. Coleman

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Susan E. Coleman
 Kristina Doan Strottman

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Attorneys for Defendants
 THE GEO GROUP, INC. and DURAN

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